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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,627	05/16/2005	Daniele Favaro	37595	9650

116 7590 04/10/2007  
PEARNE & GORDON LLP  
1801 EAST 9TH STREET  
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CLEVELAND, OH 44114-3108

EXAMINER
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WALDBAUM, SAMUEL A

ART UNIT	PAPER NUMBER
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1709

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/525,627

Applicant(s)

FAVARO ET AL.

Examiner

Samuel A. Waldbaum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02/25/2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 02/25/2005
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinkai Kiyoyasu (JP 2000107116, hereafter `116) in view of Geiger (U.S. 4,064,887, hereafter `887).

`116 teaches an automatic dishwasher, especially for built-in kitchenettes, comprising:

a cabinet equipped with a front door that seals the wash tub (Fig. 1 shows a cabinet surrounding the machine and part 9 shows the door that seals the tub);

housing at least one first and one second spray arm for washing the dishes placed in at least one rack (Fig. 1, part 11 shows the one rack, while parts 12 and 13 show the two sprayers);

said tub being closed on the bottom by a downward sloping panel that directs the wash water into a sump hopper which serves to collect and drain the water (Fig. 1, part 17 is the collector at the bottom of the downward sloping panel of the bottom of the machine);

`116 does not teach that the first spray arm extends coaxially with the sump hopper and that the second arm extends at a right angle to the bottom sloping panel.

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`887 teaches that a spray arm is coaxially aligned with the sump pump (Fig. 1 where part 22 is the sump pump, part 23 is the motor and part 26 is the first spray arm.) By placing the spray arm above the sump pump it provides support to the spray arm (Col. 3, line 37-46), It would have been obvious to one ordinary skilled in the art when the invention was made that to have placed the first spray arm above the sump pump to have provided support to the first spray arm.

`116 teaches that having the two arms that over lap is essential to increase the cleaning power of the washer without increasing the energy cost or the washing time ([0010]-[0014]). `887 teaches to optimize cleaning contact between the dishes and the sprayer to put the sprayer at an angle (Fig. 12 part 40, col. 4, line 45-78), also by angling the spray arm at a right angle to the slope of the bottom of the machine it avoids contact with the bottom, because when the arm is parallel to the bottom it can not hit the bottom (col. 4, line 1 – 69, col. 5, line 1 – 21). By angling the second spray arm at a right angle to the bottom the overlap between the two spray arms is increased while the second spray arm avoids contact with the bottom because it is parallel to it. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have positioned the second spray arm above the sloped bottom and with its axis of rotation at a right angle to the bottom in order to have increased and optimized the power wash zone, and to have avoided contact with the bottom.

Claim 2: `116 teaches a sump hopper serving to collect and drain the wash water is located in an off-center position on the bottom of the wash tub (Fig. 1, shows that the collector is in an off-center position on the bottom).

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Claim 3: `116 shows two spray arms overlapping to create the power clean area (Fig. 1, parts 12 and 13 overlap, Fig. 2(b) shows overlapping region). `116 teaches that the two spray arms avoid hitting each other by timing the two arms so that they are always angled 90 degrees from each other (paragraph [0027]). The resulting combination of `116 and `807, where the plane of rotation of the 1<sup>st</sup> arm is horizontal and the plane of rotation of the 2<sup>nd</sup> arm is sloped. Therefore the 2<sup>nd</sup> plane of rotation must necessarily partly extend under the first spray arm.

Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Shinkai Kiyoyasu (JP 2000107116) in view of Geiger (U.S. 4,064,887), as applied to claims 1-3 above, and further in view of Welch (U.S. 7,032,604, hereafter `604).

`116 in view of `887 teaches the limitation of claim 1 above.

They do not teach that the door extends across the full width of the cabinet. `604 teaches that the door extends the full length of the cabinet (Fig. 1, part 22, shows the door at a open position that extends the full length of the cabinet). One of ordinary skill in the art would have understood that if the door did not extend the full width of the cabinet, that the rack containing the wares would not have been able to be pulled out. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have used a door that extends the full length of the cabinet to have made it possible to pull out the rack.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shinkai Kiyoyasu (JP 2000107116) in view of Geiger (U.S. 4,064,887) as applied to claim 1 above, and in further view of Gardell (U.S. 4,765,697, hereafter `697).

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`116 and `887 teaches all the limitation of claim 1 above.

They do not teach that the door is a solid component provided with a trim panel. `697 teaches a solid door with a trim panel (col. 1, line 40 - 68), by having the trim it allows the washing machine to look decorative in the environment of the kitchen (col. 1, line 40 – 68). Therefore it would have been obvious to one skilled in the art at the time the invention was made to have included a trim panel to the door for the dishwasher to have made it look decorative.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shinkai Kiyoyasu (JP 2000107116) in view of Geiger (U.S. 4,064,887), as applied to claim 1 above, and further in view of Willet (U.S. 5,215,491, hereafter `491).

`116 and `887 teach all the limitations of claim 1 above.

They do not teach the fact that the door has a transparent window. `491 teaches a transparent window located in the door (abstract) to allow the user to look in the dishwasher to see how the washing is progressing (col. 6, line 60 – 68, col. 7, line 1 – 10). Therefore it would have been obvious to one ordinary skilled in the art that the time the invention was made to have included a door with a transparent window to have allowed the user to look into the dishwasher.

### ***Conclusion***

Claims 1-3 are reject as being obvious in view of Shinkai Kiyoyasu (JP 2000107116) in view of Geiger (U.S. 4,064,887).

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Claim 4 is rejected as being obvious in view of Shinkai Kiyoyasu (JP 2000107116) in view of Geiger (U.S. 4,064,887) and further in view of Welch (U.S. 7,032,604).

Claim 5 is rejected as being obvious in view of Shinkai Kiyoyasu (JP 2000107116) in view of Geiger (U.S. 4,064,887), and in further view of Gardell (U.S. 4,765,697).

Claim 6 is rejected as being obvious in view of Shinkai Kiyoyasu (JP 2000107116) in view of Geiger (U.S. 4,064,887), and further in view of Willet (U.S. 5,215,491).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel A. Waldbaum whose telephone number is 571-270-1860. The examiner can normally be reached on M-TR 7:30-5:00, 1&3 F off, 2&4 F 7:30-4:00 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-270-1261. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SAW

A handwritten signature in black ink, appearing to be 'SAW' with a stylized flourish.A handwritten signature in black ink, appearing to be 'Michael B. Cleveland' with a stylized flourish.

MICHAEL B. CLEVELAND  
SUPERVISORY PATENT EXAMINER